

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON APPROPRIATIONS**

**Call to Order:** By **CHAIRMAN STEVE VICK**, on February 5, 2001 at 3:15 P.M., in Room 102 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Steve Vick, Chairman (R)  
Rep. Dave Lewis, Vice Chairman (R)  
Rep. Matt McCann, Vice Chairman (D)  
Rep. John Brueggeman (R)  
Rep. Rosalie (Rosie) Buzzas (D)  
Rep. Tim Callahan (D)  
Rep. Edith Clark (R)  
Rep. Bob Davies (R)  
Rep. Stanley Fisher (R)  
Rep. Joey Jayne (D)  
Rep. Dave Kasten (R)  
Rep. Christine Kaufmann (D)  
Rep. Monica Lindeen (D)  
Rep. Jeff Pattison (R)  
Rep. Art Peterson (R)  
Rep. Joe Tropila (D)  
Rep. John Witt (R)

**Members Excused:** Rep. Dick Haines (R)

**Members Absent:** None.

**Staff Present:** Paula Broadhurst, Committee Secretary  
Taryn Purdy, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 196, 2/2/2001  
Executive Action:

**HEARING ON HB 196**

**SPONSOR:** Rep. Michelle Lee

**PROPONENTS:** Dan Gutebier, Park County

**OPPONENTS:** None.

**INFORMATIONAL WITNESS:** None.

**OPENING STATEMENT BY SPONSOR:**

**Rep. Michelle Lee, HD 26, Livingston,** introduced HB 196. She remarked that the reason HB 196 is necessary is to correct the unfunded mandate currently being thrust upon the counties while the judicial process winds along. She stated that the intent is to give the reimbursement back to the date of arrest instead of the day of conviction which is currently being done.

**PROPONENTS:**

**Dan Gutebier, Chairman, MACO Justice and Public Safety Committee, Park County Commissioner,** commented that in their view this is a state unfunded mandate to the counties of the State of Montana. He explained how the current process works in the State of Montana. He reviewed separate cases of criminals who were detained and how much it ended up costing the local tax payers which was not reimbursed by the State of Montana. He stated that this should be an issue not of new revenue but an issue of public safety.

**Gary Fjelstad, Rosebud County Commissioner, President, Montana Association of County Officials,** commented that they have discussed this issue at district meetings as well as the state convention and that it is a high priority for all of the counties throughout Montana.

**Jim Smith, Montana Sheriff's and Peace Officers Association,** commented that this has been a current and ongoing discussion at their meetings. He also stated that they have lost officers over the past two years in various counties due to budget cuts. He stated that they feel the state should be responsible for funding HB 196.

***{Tape : 1; Side : A; Approx. Time Counter : 6}***

**Jim Cashell, Sheriff Gallatin County, Board Member, Montna Sheriff's and Peace Officers Association,** commented on how it has been impossible for them to be able to get a deputy sheriff while

the budget of the jail increased drastically. He urged the committees support on HB 196.

**Cheryl Liedle, Under Sheriff for Lewis and Clark County Sheriff's Office,** stated that the cost of running a detention center is one of the root problems in law enforcement in the State of Montana and that Lewis and Clark Co. was faced with having to go to the public and ask for additional funding just to make up the basic cost of operating their detention center.

**OPPONENTS:** None.

**INFORMATIONAL WITNESS:** None.

**QUESTIONS FROM THE COMMITTEE MEMBERS AND RESPONSES:**

**Rep. Davies** asked about the fiscal note and was wondering about the wide disparity that it shows.

**Joe Williams, Department of Corrections,** stated that back in 1995 the Legislature passed a bill that allowed counties to set a rate by resolution for the costs of their detention facilities and the county commissioners had to adopt the rate and exclude capital construction costs. He then commented that the rate that each county calculated was different from the other counties.

**Rep. Pattison** asked if the counties are currently being reimbursed for any of the charges from other Departments like the Highway Patrol or anybody.

**Joe Williams,** answered that yes, when they do the contracts they negotiate them for the Department of Justice and themselves.

**Rep. Pattison** asked if when they detain someone for the Highway Patrol, they then directly bill the Highway Department.

**Joe Williams,** answered that no, the county would send it directly to The Department of Justice.

**Rep. Pattison** asked if the counties then are somewhat getting reimbursed for the detention rates.

**Joe Williams** answered that the detention ones are prejudicate???????? to the Department of Justice he believed.

**Rep. Fisher** asked what the position of the Department of Corrections was on this issue and why are they not speaking about it one way or the other.

**Joe Williams** answered that they believe it is a great public policy debate that should be had. He stated that there are times the Department of Corrections likes to sit back instead of rushing in, and let the Legislative process work.

***{Tape : 1; Side : A; Approx. Time Counter : 14.6}***

**Rep. Fisher** asked what the rationale is to have the county pick up the tab on the criminals before they are convicted.

**Gary Fjelstad** answered that there is a lot of time between the time of arrest and the time of conviction and then the time period before sentencing and also the time period between when the inmate is convicted and actually sentenced. He stated that there can be 4-6 weeks in this time period that the counties are picking up the tab for as well.

**Rep. Fisher** asked what MACO is doing to cause the Justice System to drag its feet.

**Gary Fjelstad** stated that it is an issue not only with that, but District Judges getting bogged down and trying to get their sentencing completed is just as much of an issue. He stated that all of it factors into the amount of time people spend sitting in County Jails.

**Rep. Tropila** asked the Sheriff from Gallatin County to speak.

**Jim Cashell** wanted to clarify how they had gotten to this point and went on to explain the problems with the system now in place.

**CLOSING BY SPONSOR:**

**Rep. Lee** closed on HB 196 and explained the fiscal note to the committee.

**ADJOURNMENT**

Adjournment: 3:45 P.M.

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REP. STEVE VICK, Chairman

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PAULA BROADHURST, Secretary

SV/PB

**EXHIBIT** (aph29aad)